

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 482
Department or Agency: Alabama Department of Insurance
Rule No.: Chapter 482-1-139
Rule Title: Recognition of Preferred Mortality Tables for Use in Determining Minimum Reserve Liabilities
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? NA

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Reyn Norman
Reyn Norman

Date

Wednesday, April 17, 2024

REC'D & FILED
APR 18, 2024
LEGISLATIVE SVC AGENCY

ALABAMA DEPARTMENT OF INSURANCE

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Insurance

RULE NO. & TITLE: Chapter 482-1-139 Recognition of Preferred Mortality
Tables for Use in Determining Minimum Reserve Liabilities

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

The Alabama Department of Insurance is exempt from the Alabama Administrative Procedures Act pursuant to Section 41-22-2(e), Code of Alabama 1975. The Commissioner proposes citation updates to align with current state statutes.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

Interested persons may submit data, views, or arguments in writing at any time prior to 3:00 PM on June 6, 2024, to the Alabama Department of Insurance, Attention: Legal Division, Post Office Box 303351, Montgomery, Alabama 36130-3351, or orally by appearing at the public hearing, Suite 502, RSA Tower, 201 Monroe Street, Montgomery, Alabama, beginning at 10:00 AM, on June 11, 2024.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Tuesday, June 11, 2024

CONTACT PERSON AT AGENCY:

Erin Dunagan
Associate Counsel

Reyn Norman

Reyn Norman

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

ALABAMA DEPARTMENT OF INSURANCE
ADMINISTRATIVE CODE

CHAPTER 482-1-139
RECOGNITION OF PREFERRED MORTALITY TABLES FOR USE IN DETERMINING
MINIMUM RESERVE LIABILITIES

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482-1-139-.01 Authority.

This chapter is promulgated by the ~~Commissioner of Insurance pursuant to Sections 27-2-17 and~~ Commissioner of Insurance pursuant to Sections 27-2-17 and 27-36A-1 to 27-36A-20, Code of Ala. 1975.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, and 27-36A-1 to 27-36A-20.

History: New Rule: Filed December 20, 2006; effective January 1, 2007. Filed with LRS December 20, 2006. Rule is not subject to the Alabama Administrative Procedure Act. Amended: Published ; effective.

482-1-139-.02 Purpose And Scope.

The purpose of this chapter is to recognize, permit and prescribe the use of mortality tables that reflect differences in mortality between preferred and standard lives in determining minimum reserve liabilities in accordance with Section 27-36A-5(b)(1)(c) (Computation of Minimum Standard) and paragraphs (1) and (2) of Rule 482-1-120-.05 ~~-7(d)(1)(a)(3) (the Standard Valuation Law) and paragraphs (1) and (2) of Rule 482-1-120-.05~~ (the Valuation of Life Insurance Policies Regulation).

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, and 27-36A-1 to 27-36A-20.

History: New Rule: Filed December 20, 2006; effective January 1, 2007. Filed with LRS December 20, 2006. Rule is not subject to the Alabama Administrative Procedure Act. Amended: Published
; effective.

482-1-139-.03 Definitions.

As used in this chapter, these words and terms have the following meanings, unless the context clearly indicates otherwise:

(a) "2001 CSO Mortality Table" means that mortality table, consisting of separate rates of mortality for male and female lives, developed by the American Academy of Actuaries CSO Task Force from the Valuation Basic Mortality Table developed by the Society of Actuaries Individual Life Insurance Valuation Mortality Task Force, and adopted by the National Association of Insurance Commissioners (NAIC) in December 2002. The 2001 CSO Mortality Table is included in the *Proceedings of the NAIC (2nd Quarter 2002)* and supplemented by the 2001 CSO Preferred Class Structure Mortality Table defined below in paragraph (b). Unless the context indicates otherwise, the "2001 CSO Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table and includes both the smoker and nonsmoker mortality tables and the composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality tables. Mortality tables in the 2001 CSO Mortality Table include the following:

1. "2001 CSO Mortality Table (F)" means that mortality table consisting of the rates of mortality for female lives from the 2001 CSO Mortality Table.
2. "2001 CSO Mortality Table (M)" means that mortality table consisting of the rates of mortality for male lives from the 2001 CSO Mortality Table.
3. "Composite mortality tables" means mortality tables with rates of mortality that do not distinguish between smokers and nonsmokers.
4. "Smoker and nonsmoker mortality tables" means mortality tables with separate rates of mortality for smokers and nonsmokers.

(b) "2001 CSO Preferred Class Structure Mortality Table" means mortality tables with separate rates of mortality for Super Preferred Nonsmokers, Preferred Nonsmokers, Residual

Standard Nonsmokers, Preferred Smokers, and Residual Standard Smoker splits of the 2001 CSO Nonsmoker and Smoker tables as adopted by the NAIC at the September, 2006 national meeting and published in the *NAIC Proceedings (3rd Quarter 2006)*. Unless the context indicates otherwise, the "2001 CSO Preferred Class Structure Mortality Table" includes both the ultimate form of that table and the select and ultimate form of that table. It includes both the smoker and nonsmoker mortality tables. It includes both the male and female mortality tables and the gender composite mortality tables. It also includes both the age-nearest-birthday and age-last-birthday bases of the mortality table.

(c) "Statistical agent" means an entity with proven systems for protecting the confidentiality of individual insured and insurer information; demonstrated resources for and history of ongoing electronic communications and data transfer ensuring data integrity with insurers, which are its members or subscribers; and a history of and means for aggregation of data and accurate promulgation of the experience modifications in a timely manner

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, [and 27-36A-1 to 27-36A-20](#).

History: New Rule: Filed December 20, 2006; effective January 1, 2007. Filed with LRS December 20, 2006. Rule is not subject to the Alabama Administrative Procedure Act. [Amended: Published ; effective](#).

482-1-139-.04

2001 CSO Preferred Clas Structure Table.

At the election of the company, for each calendar year of issue, for any one or more specified plans of insurance and subject to satisfying the conditions stated in this chapter, the 2001 CSO Preferred Class Structure Mortality Table may be substituted in place of the 2001 CSO Smoker or Nonsmoker Mortality Table as the minimum valuation standard for policies issued on or after January 1, 2007, or with the consent of the Commissioner, for policies issued on or after January 1, 2004, and prior to January 1, 2007. In determining such consent, the Commissioner may rely on the consent of the Commissioner of the company's state of domicile. No such election shall be made until the company demonstrates at least 20% of the business to be valued on this table is in one or more of the preferred classes. A table from the 2001 CSO Preferred Class Structure Mortality Table used in place of a 2001 CSO Mortality Table, pursuant to the requirements of this rule, will be treated as part of the 2001 CSO Mortality Table only for purposes of reserve valuation pursuant to the

requirements of Chapter 482-1-130 (the Recognition of the 2001 CSO Mortality Table for use In Determining Minimum Reserve Liabilities and Nonforfeiture Benefits Regulation).

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17~~7~~ and 27-36A-1 to 27-26A-20.

History: New Rule: Filed December 20, 2006; effective January 1, 2007. Filed with LRS December 20, 2006. Rule is not subject to the Alabama Administrative Procedure Act. **New Rule:** Filed May 13, 2010; effective June 1, 2010. Filed with LRS May 13, 2010. Rule is not subject to the Alabama Administrative Procedure Act.

Amended: Published ; effective .

482-1-139-.05 Conditions.

(1) For each plan of insurance with separate rates for Preferred and Standard Nonsmoker lives, an insurer may use the Super Preferred Nonsmoker, Preferred Nonsmoker, and Residual Standard Nonsmoker tables to substitute for the Nonsmoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, except for business valued under the Residual Standard Nonsmoker Table, the appointed actuary shall certify that:

(a) The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

(b) The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the valuation basic table corresponding to the valuation table being used for that class.

(2) For each plan of insurance with separate rates for Preferred and Standard Smoker lives, an insurer may use the Preferred Smoker and Residual Standard Smoker tables to substitute for the Smoker mortality table found in the 2001 CSO Mortality Table to determine minimum reserves. At the time of election and annually thereafter, for business valued under the Preferred Smoker Table, the appointed actuary shall certify that:

(a) The present value of death benefits over the next ten years after the valuation date, using the anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the Preferred Smoker valuation basic table corresponding to the valuation table being used for that class.

(b) The present value of death benefits over the future life of the contracts, using anticipated mortality experience without recognition of mortality improvement beyond the valuation date for each class, is less than the present value of death benefits using the Preferred smoker valuation basic table.

(3) Unless exempted by the commissioner, every authorized insurer using the 2001 CSO Preferred Class Structure Table shall annually file with the commissioner, with the NAIC, or with a statistical agent designated by the NAIC and acceptable to the commissioner, statistical reports showing mortality and such other information as the commissioner may deem necessary or expedient for the administration of the provisions of this chapter. The form of the reports shall be established by the commissioner or the commissioner may require the use of a form established by the NAIC or by a statistical agent designated by the NAIC and acceptable to the commissioner.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, and 27-36A-1 to 27-36A-20.

History: New Rule: Filed December 20, 2006; effective January 1, 2007. Filed with LRS December 20, 2006. Rule is not subject to the Alabama Administrative Procedure Act. Amended: Published ; effective.

482-1-139-.06 Separability.

If any provision of this chapter or its application to any person or circumstance is for any reason held to be invalid, the remainder of the chapter and the application of the provision to other persons or circumstances shall not be affected.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, and 27-36A-1 to 27-26A-20.

History: New Rule: Filed December 20, 2006; effective January 1, 2007. Filed with LRS December 20, 2006. Rule is not subject to the Alabama Administrative Procedure Act. Amended: Published ; effective .

482-1-139-.07 Effective Date.

This chapter shall become effective on January 1, 2007, upon its approval by the Commissioner of Insurance and upon its having been on file as a public document in the office of the Secretary of State for ten days.

Author: Commissioner of Insurance

Statutory Authority: Code of Ala. 1975, §§27-2-17, and 27-36A-1 to 27-36A-20.

History: New Rule: Filed December 20, 2006; effective January 1, 2007. Filed with LRS December 20, 2006. Rule is not subject to the Alabama Administrative Procedure Act. Amended: Published ; effective .